

NORTH COUNTY TRANSIT DISTRICT COASTER: PASSENGERS UNNECESSARILY AT RISK

INTRODUCTION

Each year in excess of one million passengers ride the Coaster, North County Transit District's commuter train between Oceanside and downtown San Diego. This volume of ridership makes it highly probable that an emergency requiring swift action will occur. The 2010/2011 San Diego County Grand Jury (Grand Jury) initiated a study to investigate the onboard emergency notification system for North County Transit District's Coaster Trains. The investigation found no posted instructions or obvious means of contacting the conductor in the event of an emergency. This Grand Jury Report recommends establishing a plan of action to assure passenger safety in event of an onboard emergency.

Enacted in September 1975, California Senate Bill No. 802 created the North San Diego County Transit Development Board to plan, construct, and operate a public transit system in northern San Diego County. The Board was renamed the North County Transit District (NCTD) in July 1976. Having made its first run in 1995, the Coaster carried 1.2 million passengers in Fiscal Year 2010. The train is typically composed of five double decker cars, staffed by one engineer and one conductor, making eight stops along its 41-mile route.

Grand Jury research found comparably sized commuter train systems provide passengers the ability to notify the conductor immediately in the event of an emergency. The NCTD does not have a procedure for similar emergency communications on the Coaster.

INVESTIGATION

The Grand Jury's investigation regarding passenger safety aboard the Coaster included:

- Conducting interviews with NCTD staff.
- Checking NCTD websites for passenger safety procedures on the Coaster.
- Researching Federal Railroad Administration regulations: *49 Code of Federal Regulations (CFR38.121) - Emergency Communication* which lists intercom requirements.
- Reviewing internet websites to identify trains similar to NCTD's Coaster that provide procedures for passengers to report emergencies to transit personnel. Results of this survey are listed below.

Commuter Train	Route Miles	Stations	Procedures for Passengers to Report Emergencies
Trinity Railway Express TRE (Dallas Area Rapid Transportation) DART Links Fort Worth to Dallas, Texas	34	10	"[L]ocate the emergency intercom on either end of the rail vehicle and use it to contact the train operator." ¹
West Coast Express WCE - Links Mission City to Vancouver, British Columbia, Canada	42	8	Instructions on contacting a conductor in the event of a medical emergency are contained within a video. ²
Capital Metro Transit Links Leander to downtown Austin, Texas	32	9	"Report emergencies to the train engineer by using the call button located near each door." ³
North County Transit District - Links Oceanside to downtown San Diego, California	41.1	8	"In case of emergency, notify the crew immediately. An emergency intercom is located on the lower level of each COASTER car near the restroom." ⁴

¹ www.dart.org

² www.westcoastexpress.com

³ www.capmetro.org

⁴ www.GoNCTD.com

DISCUSSION

The NCTD website *GoNCTD.com*, Rider Tools, Safety & Security section states: "In case of emergency, notify the crew immediately. An emergency intercom is located on the lower level of each COASTER car near the restroom." ¹

Grand Jurors found no such emergency notification system on the trains. NCTD was unaware that the statement appeared on its website and informed the Grand Jury that an immediate correction to the website statement would be made. As of January 25, 2011, the website statement remains. Additionally, there are no posted instructions informing passengers how to contact the conductor in the event of an emergency.

NCTD notified the Grand Jury that *49 Code of Federal Regulations (CFR) 238.121-Emergency Communication* requires an intercom system on passenger train cars obtained after April 1, 2008. The newest Coaster cars were purchased in 2003 and are thereby exempt from this regulation. NCTD informed the Grand Jury that they are in the process of developing a new wireless intercom system for implementation across the Coaster fleet by the end of 2011.

¹ Google Search NCTD "emergency intercom" <http://bit.ly/i3xBUo>

Within each train car, posted evacuation procedures include how to open the doors and removable emergency access windows. NCTD informed the Grand Jury that in an emergency it would expect a passenger to locate the conductor who would then take charge. Searching from car to car to find a conductor would delay appropriate and timely action. In the event of an emergency, a notification system is necessary for the conductor to be located immediately.

NCTD also informed the Grand Jury it believed that a passenger would call 911 and help would be waiting at the next station. Cell phone service along the route is inconsistent and there is a chance the calling passenger may not be aware of the train's location on the route.

FACTS AND FINDINGS

Fact: There is one conductor and one engineer on each train.

Fact: The Coaster website states that there is an emergency notification system within each car on the train.

Fact: *Federal Railroad Administration Regulations* require commuter trains to install intercom systems on trains put in service after 2008. The Coaster cars were placed into service in 2003 and thus are exempt from this requirement.

Fact: Other commuter train systems similar to the Coaster provide passengers with direct contact with a conductor when an emergency requires action. The Coaster does not have this feature.

Fact: There are no postings onboard the Coaster listing instructions for passengers to contact the conductor when an emergency arises.

Finding 01: The Coaster provides an important commuter service for the cities between Oceanside and San Diego.

Finding 02: Coaster passengers do not have the information or readily available means to contact a conductor.

Finding 03: The lack of an accessible, onboard passenger emergency notification system potentially jeopardizes the health and safety of passengers.

Finding 04: The NCTD website contains inaccurate information to deal with onboard emergencies.

RECOMMENDATIONS

The 2010/2011 San Diego County Grand Jury recommends that the North County Transit District Board of Directors:

- 11-01: Accelerate the installation of an emergency notification system allowing passengers to communicate with the conductor when an emergency arises.**
- 11-02: Post instructions on board the Coaster for passengers to contact the conductor in an emergency.**
- 11-03: Correct website information to reflect the applicable communication requirements for an onboard emergency.**
- 11-04: Design and provide posters and brochures informing commuters of the safety and security features unique to the Coaster.**

COMMENDATION

Grand Jury members riding the Coaster daily commend NCTD for maintaining clean and comfortable Coaster cars. Conductors are friendly, professional and courteous when interacting with passengers. Conductors are commended for their kindness and assistance in providing special help to those commuters with disabilities boarding the Coaster.

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

<u>Responding Agency</u>	<u>Recommendations</u>	<u>Date</u>
North County Transit District, Board of Directors	11-01 through 11-04	6/20/11